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EXAMINER

LOO, JUVENA W

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/743,226	Applicant(s) SAINT-HILAIRE ET AL.	
	Examiner Juvena W. Loo	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is in response to application filed on December 22, 2003 in which claims 1 to 26 are presented for examination.

#### ***Status of Claims***

Claims 1-26 are pending, of which claims 1, 7, 14, 16, 21, and 24 are in independent form.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims 21 and 24 are directed to an article of manufacture wherein the claim describes said article as being merely a computer readable medium and there is no definition given in the disclosure. Since the specification has no definition, examiner can only assume applicant intended "computer readable medium" to include intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-10, 12-14, 16-18, 20-21, 23-24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Drabik (US 2005/0193103 A1).

Regarding claim 1, Drabik discloses a method of configuring a node for virtual private network operation by providing virtual private network settings to the node in a common format for automatic exchange of information between networked devices (Figures 1 and 2; Pages 8, Section 0100; Page 6, Sections 0082-0083: Figure 2 shows a method for programming a virtual private network (VPN) configuration device. When a VPN configuration device is inserted into a programming device (Figure 1: 105 or 110), it may be automatically detected by a daemon process (a background computer process) or an equivalent detection mechanism. Upon such a detection, the VPN control station contains software that reads the configuration database and other relevant databases, determines a non-conflicting configuration of a network settings for a particular VPN client, and then writes the resulting VPN settings to the VPN configuration device.).

Regarding claim 3, Drabik discloses all the limitations of claim 1. Additionally, Drabik discloses the transmission of the settings is over a private network (Figure 1 and Page 9, Section 0102: if programming a client virtual private network device results in a configuration change, the new configuration parameters will be sent to the host virtual private network gateways. The virtual private networks are connected together via a private network as shown in Figure 1).

Regarding claim 4, Drabik discloses all the limitations of claim 3. Additionally, Drabik discloses the transmission of a message to other node, by a virtual private network repository node coupled to the private network, informing the other node that the virtual private network settings is available (Page 9, Section 0102: if programming a client virtual private network device results in a configuration change to the host virtual private network gateways, the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 5, Drabik discloses all the limitations of claim 4. Additionally, Drabik discloses the request to download the virtual private network settings to the node (Page 9, Section 0102: if the configuration of a virtual private network device results in a configuration change to the host virtual private network router or gateway, the virtual control station will prompt the operator of that node to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 6, Drabik discloses all the limitations of claim 5. Additionally, Drabik discloses the confirming that the node is authorized to operate on the virtual private network (Figure 2, Box 202 and Box 209; Page 8, Section 0100; and Page 9, Section 0102: the unique identification number for virtual private network (VPN) configuration device is read, and the key value is compare to virtual private network configuration database entries. Furthermore, the written configuration settings are read back to verify. If the contents do not match the expected value, the verification process will be repeated for a certain number of times before the device is rejected. Once the device is rejected, the associated key entry is removed from the configuration databases).

Regarding claim 7, Drabik discloses a virtual private network gateway comprising a communication adaptor coupled to a network (Figure 7: network interface 712); a processor coupled to the communication adaptor (Figure 7: processor 700) to transmit virtual private network settings to another node coupled to the network in a common format for automatic exchange of information between networked devices (Figures 1 and 2, Box 208; Page 6, Section 0083: when a VPN configuration device is inserted into a programming device (Figure 1: 105 or 110), it may be automatically detected by a daemon process (a background computer process) or an equivalent detection mechanism. Upon such a detection, the VPN control station contains software that reads the configuration database and other relevant databases, determines a non-

conflicting configuration of a network settings for a particular VPN client, and then writes the resulting VPN settings to the VPN configuration device).

Regarding claim 8, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a private network (Figures 1 and 7: the virtual private network control station 102 is connected to CorporateLAN 103, a private network).

Regarding claim 9, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a local area network (Figures 1 and 7: the virtual private network control station 102 is connected to CorporateLAN 103, a local area network).

Regarding claim 10, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a wide area network (Figures 1 and 7: the virtual private network control station 102, connected to CorporateLAN 103, is part of a wide area network).

Regarding claim 12, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses that the processor transmits a message to other node informing the other node that virtual private network information is available from the virtual private network gateway (Page 9, Section 0102: if programming a client virtual private network device results in a configuration change to the host virtual private network gateways, the

operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 13, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses that the processor confirms that the other node is authorized to operate on the virtual private network (Figure 2, Box 202 and Box 209; Page 8, Section 0100; and Page 9, Section 0102: the unique identification number for virtual private network (VPN) configuration device is read, and the key value is compare to virtual private network configuration database entries. Furthermore, the written configuration settings are read back to verify. If the contents do not match the expected value, the verification process will be repeated for a certain number of times before the device is rejected. Once the device is rejected, the associated key entry is removed from the configuration databases).

Regarding claim 14, Drabik discloses a virtual private network gateway comprising a communication adaptor coupled to a network (Figure 7: network interface 712); a processor coupled to the communication adaptor (Figure 7: processor 700) to transmit virtual private network settings to another node coupled to the network in a common format for automatic exchange of information between networked devices (Figures 1 and 2, Box 208; Page 6, Section 0083: when a VPN configuration device is inserted into a programming device (Figure 1: 105 or 110), it may be automatically detected by a daemon (a background computer) process or an equivalent detection



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mechanism. Upon such a detection, the VPN control station contains software that reads the configuration database and other relevant databases, determines a non-conflicting configuration of a network settings for a particular VPN client, and then writes the resulting VPN settings to the VPN configuration device); and a storage device coupled to the processor to contain the virtual private network settings (Figure 7: a storage unit 709 connected to the processor 700 and a VPN configuration database 710 resided in storage unit 709).

Regarding claim 16, Drabik discloses a virtual private network node (Figure 1: a virtual private network router or gateway 112) comprising a communication adaptor coupled to a network (Figure 9: network interfaces 909 and 911); a processor coupled to the communication adaptor (Figure 9: processor 900) to receive virtual private network settings from another node coupled to the network in a common format for automatic exchange of information between networked devices (Figure 3 and Page 15, Section 0155: once the daemon process (a background process running in the processor) detects the presence of a virtual private network configuration device, it extracts the configuration database/settings from the configuration device).

Regarding claim 17, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses the network is a local area network (Figures 1 and 9: virtual private network 112 is connected to CorporateLAN 103, a local area network).

Regarding claim 18, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses the network is a wide area network (Figures 1 and 9: the virtual private network gateway 112, connected to CorporateLAN 103 and Private Connecting Network 100, is part of a wide area network).

Regarding claim 20, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses that the processor transmits a message to the other node requesting that virtual private network information be downloaded (Page 9, Section 0102: if programming a client virtual private network device results in a change in the virtual private network configuration, the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 21, Drabik discloses a computer readable medium with stored instructions, when executed by the processor, causes the processor to provide virtual private network settings to a remote node in a common format for automatic exchange of information between networked devices (Page 9, Section 0102: if programming a client virtual private network device results in a configuration change, the new configuration parameters will be sent to the host virtual private network gateways or the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 23, Drabik discloses all the limitations of claim 21. Additionally, Drabik discloses that the settings are transmitted over a private network (Figure 1: virtual control station 102 is operated over CorporateLAN 103, a private network).

Regarding claim 24, Drabik discloses a computer readable medium with stored instructions, when executed by the processor, causes the processor to retrieve virtual private network settings from a remote node in a common format for automatic exchange of information between networked devices (Figure 3 and Page 15, Section 0155: once the daemon process (a background process running in the processor) detects the presence of a virtual private network configuration device, it extracts the configuration database/settings from the configuration device).

Regarding claim 26, Drabik discloses all the limitations of claim 24. Additionally, Drabik discloses that the settings are transmitted over a private network (Figure 1: virtual private network gateway 112 is operated over CorporateLAN 103, a private network).

### ***Claim Rejections - 35 USC § 103***

5. Claims 2, 11, 15, 19, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drabik (US 2005/0193103 A1) in view of Ramanathan (US 2005/0066086 A1).

Regarding claims 2, 11, 19, 22, and 25, Drabik discloses all the limitations of claims 1, 7, 16, 21, and 24. Additionally, Drabik discloses a method and a system for automatic configuration of a virtual private network. However, Drabik fails to teach that universal plug and play is used for the interface among network devices.

In the same field of endeavor, Ramanathan discloses the implementation of universal plug and play in network devices that can be used in a virtual private network (Ramanathan, Page 3, Section 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 15, Drabik discloses all the limitations of claim 14. Additionally, Drabik discloses that the processor in the virtual private network (VPN) control station retrieves the VPN settings from the storage device and transmit the settings to other node (Page 6, Section 0083: the processor reads the configuration database and the information in the virtual private network configuration database, determines the VPN settings and writes the settings to the virtual private network configuration device). However, Drabik fails to teach that universal plug and play is in the communication among network devices.

In the same field of endeavor, Ramanathan discloses the implementation of universal plug and play in network devices that can be used in a virtual private network (Ramanathan, Page 3, Section 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juvena W. Loo whose telephone number is (571) 270-1974. The examiner can normally be reached on Mon.-Thurs : 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Juvena W Loo  
Examiner  
Art Unit 2609

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**